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APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,546	04/23/2001		William M. Hammesfahr	003BUS	6691
26830	7590	08/12/2003			
		WILLSON JR	EXAMINER		
3205 HARV STE 200	EST MO	ON DR	JAWORSKI, FRANCIS J		
PALM HARBOR, FL 34683-2127				ART UNIT	PAPER NUMBER
				3737	, \
				DATE MAILED: 08/12/2003	10

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)	<u> </u>
		09/841,546	HAMMESFAHR	
	Offic Action Summary	Examiner	Art Unit	
		Jaworski Francis J.	3737	
Period fo	The MAILING DATE of this communication or Reply	appears on the cover sheet with	h th correspondence address -	-
A SHOTHE I - Exter after - If the - If NO - Failu - Any r	ORTENED STATUTORY PERIOD FOR REMAILING DATE OF THIS COMMUNICATIOnsions of time may be available under the provisions of 37 CFR SIX (6) MONTHS from the mailing date of this communication period for reply specified above is less than thirty (30) days, a period for reply is specified above, the maximum statutory per to reply within the set or extended period for reply will, by steply received by the Office later than three months after the mid patent term adjustment. See 37 CFR 1.704(b).	N. R 1.136(a). In no event, however, may a reply. It reply within the statutory minimum of thirty riod will apply and will expire SIX (6) MONT atute, cause the application to become ABA	oly be timely filed (30) days will be considered timely. HS from the mailing date of this communication. NDONED (35 U.S.C. § 133).	ation.
1)⊠	Responsive to communication(s) filed on	<u>19 May 2003</u> .		
2a) ☐	This action is FINAL. 2b)⊠	This action is non-final.		
3)	Since this application is in condition for all closed in accordance with the practice und			ts is
Dispositi	on of Claims	•		
4)⊠	Claim(s) 32-44 is/are pending in the applic	cation.		
	4a) Of the above claim(s) is/are with	drawn from consideration.		
5)	Claim(s) is/are allowed.			
6)⊠	Claim(s) 32-44 is/are rejected.			
7)	Claim(s) is/are objected to.			
•	Claim(s) are subject to restriction an on Papers	nd/or election requirement.		
9) 🗌 .	The specification is objected to by the Exam	niner.		
10) 🔲 -	The drawing(s) filed on is/are: a)□ a	ccepted or b) objected to by th	e Examiner.	
	Applicant may not request that any objection t	o the drawing(s) be held in abeyar	nce. See 37 CFR 1.85(a).	,
11) 🔲 🗀	The proposed drawing correction filed on _	is: a)□ approved b)□ dis	sapproved by the Examiner.	
	If approved, corrected drawings are required in	n reply to this Office action.		
12)	The oath or declaration is objected to by the	Examiner.		
Priority u	ınder 35 U.S.C. §§ 119 and 120			
13)	Acknowledgment is made of a claim for for	eign prionty under 35 U.S.C. §	119(a)-(d) or (f).	
a)[☐ All b)☐ Some * c)☐ None of:			•
	1. Certified copies of the priority docum	ients have been received.		
	2. Certified copies of the priority docum	ients have been received in Ap	plication No	
* 5	3. Copies of the certified copies of the paper application from the International see the attached detailed Office action for a	Bureau (PCT Rule 17.2(a)).	_	
14) 🗌 A	acknowledgment is made of a claim for dom	estic priority under 35 U.S.C. §	119(e) (to a provisional applic	ation).
)	* * *		*.
Attachmen	t(s)			
2) Notic	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449) Paper No() 5) Notice of In	ummary (PTO-413) Paper No(s) formal Patent Application (PTO-152)	_·
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Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 32 - 44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 32, this claim is claiming 'vasodilator delivery systems..." apparently referring to a manufacturing lot for example. It then becomes unclear whether applicant is claiming each such system to be involving plural vasodilator drugs and plural disease applicability or that, loosely, there is a batch of vasodilator kits, each having a single vasodilator and single-disease applicability.

Dependent claims 33 - 37 by contrast appear to be directed to a single such system. With respect to claim 38, the preamble is directed to a system for diagnosis and treatment of a disease caused at least in part by insufficient cerebral perfusion (which might then embrace clinical entities not involving vasospasm such as occlusive or bleeding cerebrovascular strokes) whereas the claimed structure thereafter is directed to vasospastic diagnosis and treatment.

Dependent claims variously inherit these defects.

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Any inquiry concerning this communication should be directed to Examiner Francis J. Jaworski at telephone number 703-308-3061.

Francis J. Jaworski Primary Examiner

FJJ:fjj

8-09-03